

asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

**SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.**

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a combination of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc. v. Peña* on June 12, 1995."

**REGULATORY REFORM**

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.

I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, that are just as much concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue.

I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are very close. We get down to these situations, though, and the old bulls lock horns. The old bulls like to say unless you do it my way, you are against regulatory reform.

I think there is general consensus for regulatory reform. I was very pleased that the Senate voted on the Glenn amendment, 52 to 48. I thought we were very close under that kind of a proposal.

Now, whether or not the Glenn amendment is exactly the same as that which was indicated earlier as not being necessarily true or not, I think that most reasonable people would agree that the Glenn amendment is ex-

tremely close, if not identical, which I would agree, to what was, I think, unanimously passed out of the committee at one time. I simply say that we are not nearly as far apart from resolving this important issue of regulatory reform as I think the majority leader has indicated.

I do not wish to impugn the motives of the majority leader at all. But I noticed on several occasions he indicated 100 percent Republican support for the measure, which implied, with the three or four other Democrats that he also complimented for their help, that all was lost because of minority Democrats just would not yield.

Sometime or other, the minority has to stand up when they think things are not going correctly. Why can we not take the Glenn amendment, that was defeated on a very close rollcall, 52 to 48, and use that as a means to come together in a bipartisan fashion? But, oh, no, we cannot do that. We have to use, as the basis of consideration, the proposition that the majority leader has indicated it is not possible, under the circumstances, to come together.

I say to the majority leader and my colleagues on that side, whom I frequently vote with, I think we are that close. I do not believe there is any sincere effort for most of us on this side of the aisle to be obstructionist, as the majority leader seemed to indicate in his remarks. I therefore suggest that it is time that we not give up. It is a time that we start working together on this matter of regulatory reform, which I think is very, very important.

But I want to compliment the Democratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major concerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legislation under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particular matter if we just keep on trying.

Therefore, I say to the majority leader, come forth once again, Mr. Majority Leader, come forth and talk to the minority leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. However, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the

minority leader is in a position to speak for enough of us on this side that we could get cloture.

#### LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1827 TO AMENDMENT NO. 1825

Mr. EXON. So, with those comments, Mr. President, I send an amendment to the desk in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mrs. MURRAY proposes an amendment numbered 1827 to amendment No. 1825.

Strike all after the first word and insert: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Aderand Constructors, Inc. v. Pena* on June 12, 1995. This section shall be effective one day after enactment."

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I would just like to talk, again, about regulatory reform. We have been discussing, on this floor, who killed regulatory reform. But the rank and file small business person out in America knows one thing for sure. Regulatory reform just died in the U.S. Senate and the small business person who has been looking for relief so he or she would be able to grow and prosper and create the new jobs that keep our economy vital are not going to have that opportunity because we have not done the job we said we would do to try to get the harassment of Federal regulations off the backs of our small business people.

We have been working on this bill for 10 days. There are hundreds of amendments still left on the bill that we failed to get cloture on once again. We have had three cloture votes. What is it going to take? We have been in rooms meeting, talking about the issues that were raised. But the bottom line is, in 10 days of intense negotiations, floor debate, working on this bill, we have failed and the small business people of our country especially are going to un-

derstand that we did not get regulatory reform. And when 54 out of 54 Republicans voted for it to go forward, I think they are going to figure out who wanted regulatory reform.

We just passed bills that open trade in the world: NAFTA, GATT, so we would have the opportunities to compete. But our business people cannot compete when they are so saddled with regulations that they have to add costs to their product because of the regulations and, therefore, the product will not sell in the international marketplace because it is priced too high. That is the bottom line. That is why it hurts the ability to create jobs in this country, when we have so many regulations that our businesses are spending money in lawsuits and regulatory compliance and they cannot put the money where it needs to be, and that is trying to make their product better, giving jobs to people to create the products and being able to sell those products anywhere in the world because we can be competitive.

So, Mr. President, something died here today and I do not think the small business people of our country are going to be asking who did it. But they are going to know that their regulatory burdens are not going to be lifted.

Mr. President, that is a pretty sad message to have to send to the small business people of this country. We cannot let regulatory reform die like this, by two votes. It would be unconscionable. So I hope the Democrats will get together, and I hope they will say the rhetoric is real and say what we can really do to take away the 300 amendments that are now pending on the bill. And if they are serious, they can do something about it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me just say, I have been listening to all this back and forth. I think it is part of the process. It does not bother me too much. But I listened to my constituents. One Senator gets up and says it this way. Another Senator gets up and says no, it is this way and you are wrong. No, you are wrong.

Somebody has to be right and somebody has to be wrong. I learned from the other side of the aisle how to file amendments. They bring them in here 100 at a time, you know? They taught us how to put the amendments on. Now we get accused of having a few amendments out. We talk about NAFTA. Something happened to NAFTA in the House because they cut off the ability to help Mexico by eliminating the funding.

The Democrats did not do that, Republicans did. There is a scenario going here, bouncing back and forth like a ping-pong ball. I think it is time everybody understand we do not intend to let this bill die. That is No. 1.

No. 2, we want to continue to talk. I have been here day and night. I do not

think any of the Senators have had to spend the night here recently. Get the cots. The Senator from Texas probably remembers all-night sessions. You know, it gets to be an interesting occasion. It is awfully hard to keep somebody on the floor. It is awfully hard to get any kind of rest, but we have been here all night. Recently we have not done that. That is the debate of this institution.

So when you start badmouthing each other around here, I do not think it helps anyone. It just hardens the situation. I think we ought to continue to talk, continue to work. We want to make as good a bill as we possibly can.

I have never heard in any of the remarks tonight what it does to individuals. What does it do to the general public? What does it do to the worker? What are these things we are trying to do here now?

I hear nothing about big business. Big business had a 14-percent increase in profits the first quarter and individual hourly wages went down. Something is going well out there, if they are making that kind of money. Somehow we have to come together and think about the individual and working with the companies.

Mr. President, I had not intended to make any remarks. I do not normally make many speeches on the Senate floor. But I just think this knocking each other out here, just hardens the situation. It creates gridlock, to come out here and get accused of things. We do what we think is best. I do not always win. I am having a hard time winning anything right now. But I understand the procedure. I was here for 6 years when the Republicans were in the majority in the Senate before. I went from majority to minority. Then all of a sudden we got it back again. We are back someplace else.

So it is the system, and the system is debate. The system is talking. The system is communicating. The system is doing the best job you can, and you have to have something that you really believe in. And when you vote for it, you voted on the best piece of legislation that can be proposed to this institution. Sure, we have disagreements. That is what it is all about. That is what the committee system is all about. We do basically the same thing in committees that we do on the Senate floor. We listen to witnesses. We make up our mind. We offer amendments. We vote on amendments, and we vote the legislation up or down to send it to the Senate floor. That is part of the system. Then we do it basically again. It goes through the mill several times before it goes to the President for signature.

This is not a stealth Congress. A stealth Congress is to do it real quick and get rid of it before you get someone to jump on you or before the phone starts ringing off the hook, before people start sending out letters. Stealth Congress is to do it quick and get it over with.